

**MARYLAND DEPARTMENT OF THE ENVIRONMENT
WATER and SCIENCE ADMINISTRATION**

NOTICE OF TENTATIVE DETERMINATION and PUBLIC HEARING

General Permit for Discharges from Surface Coal Mines and Related Facilities

The Department proposes to reissue the State/NPDES (National Pollution Discharge Elimination System) 11-CM (NPDES No. MDG85) as the new 19-CM, also known as General Discharge Permit for Discharges from Surface Coal Mines and Related Facilities. The 11-CM permit applies to discharges resulting from ground water infiltration, stormwater and process water in active mine drainage, post mining areas, coal Preparation plants and associated areas, and remining activities in the State of Maryland.

The permit requires specific control measures and limitations at the facility based on the type of discharge. When the permit is formally adopted, industries currently covered by the 11-CM permit will have 60 days to file a notice of intent (NOI) and fee payment to the Department to obtain coverage under the reissued permit.

The proposed permit requires process water meet certain numerical and narrative standards which have been established for each specific type of discharge regulated by the permit. The proposed permit requires monitoring and on-line electronic submission of Discharge Monitoring Reports. For the 19-CM permit, the Department is also proposing several changes from the 11-CM, including:

- The permit has been reformatted to follow the outline of other MDE general permits (e.g. General Permit for Stormwater Discharges - 20SW, and General Permit for Mineral Mine Discharges - 15MM).
- The permit now describes the categories of facilities covered by using the SIC coding system. This serves to greatly increase the understanding of the specific types of facilities covered by the 19-CM.
- The permit specifies in detail the types of eligible stormwater and non-stormwater discharges. To be authorized by this permit, any eligible non-stormwater discharge must be identified in the Stormwater Pollution Prevention Plan (SWPPP).
- The 19-CM permit describes in greater detail activities that are not eligible for coverage (e.g. discharges associated with construction activity). It does not change the list of eligible discharges covered under 11-CM.
- The permit requires any new source or new discharge to impaired or high quality waters to demonstrate its ability to meet applicable TMDL/water quality standards. It prohibits discharges of pollutants of concern at levels that would cause or contribute to water quality impairments.
- The permit includes an updated condition requiring the applicant to find all proper permit coverage, and stipulates that coverage under the 19-CM does not preclude the possibility that other permits may be needed to properly operate the facility.
- The permit requires that certain planned changes in stormwater discharge, or termination of permit, require permittees' advance notification to the Department's Wastewater Permit Program.
- The methodology for determining the temperature difference in 11-CM permit created some confusion, especially when it came to DMR reporting. The 19-CM permit establishes a new temperature calculation methodology with a greater level of specificity which makes the electronic reporting to be more straightforward.
- The 19-CM permit contains new language in multiple sections which are intended to address climate adaptation measures that should be considered when designing and implementing certain control measures.
- The permit standardizes the new requirements regarding chemical additives used in wastewater treatment. The new language is modeled after other general permits and offers specifics regarding the procedure by which basic treatment additives can be approved;

- The permit expands the requirements for maintenance of the SWPPP to ensure that all registrants are establishing and documenting necessary treatment methods and tracking performances of those methods in actual practice.
- The 19-CM introduces new water quality benchmarks based on the tiered approach for controlling toxics in mine wastewaters. It requires limitations of toxic pollutant parameters at a level that will cause, or have the reasonable potential to cause or contribute to an excursion of the State water quality standards. If monitoring results exceed the applicable water quality benchmarks the facility may be subject to additional implementation measures (AIM) and compliance requirements.
- A new section has been added to the permit regarding the online discharge monitoring requirement. The permit requires timely submission of all reports electronically via EPA's (and MDE's) reporting website, NetDMR.
- A new section for earth disturbing activities conducted prior to active mining was added to the permit. The provisions under this part cover construction associated with mining activities where operators are able to cover earth-disturbing activities in lieu of obtaining separate coverage under the General Permit for Stormwater Associated with Construction activity. This part acknowledges the distinction between construction and other types of stormwater dischargers associated with industrial activity. Some provisions in this part complement the requirements under the Surface Mining Control and Reclamation Act (SMCRA).
- The permit contains an expanded permit conditions section. The conditions have been organized to be consistent with other recently issued permits by the Department.
- A new checklist was added to the permit that includes additional control measures specific to the coal mining sector. Implementing the controls from the checklist is required per proposed AIM Level responses. The checklist contains potential pollutants and corresponding best stormwater management practices as per the latest industry standards.
- The permit also includes several clarifications regarding the types of eligible discharges authorized by the permit and updates various standard permit condition language including sections regarding potential need for individual permit (as necessary), termination of permit coverage, prohibitions for new dischargers to impaired waters or high quality waters, continuation of an expired general permit, expansion of monitoring and reporting requirements, definitions of relevant terms, facility operation and maintenance, and permit modification.

All other terms and conditions remain unchanged from the 11-CM permit.

The draft permit, fact sheet, appendices, and a detailed summary of changes are available on MDE's website at <https://mdewwp.page.link/CMGP>. Hard copies of these documents may also be obtained directly from the Department at a cost of \$0.36 per page.

The Department will hold an in-person public hearing concerning the tentative determination. The hearing will be on **Tuesday, August 16, 2022 at MDE's Bureau of Mines Office, located at 160 South Water Street, Frostburg, Maryland, from 1-2 p.m.** Attendance will be limited by the current health guidelines at that time. Any hearing-impaired person may request an interpreter for the hearing by contacting the Office of Fair Practices, at (410) 537-3964 at least ten working days prior to the scheduled hearing date. TTY users should contact the Maryland Relay Service at 1-800-201-7165.

Persons who wish to make a comment regarding the draft permit may speak at the public hearing or submit a written comments to the Department no later than **5:00 PM on August 23, 2022**. Written comments may be submitted by mail, email or fax. Mail comments to the Maryland Department of the Environment, Water and Science Administration, 1800 Washington Boulevard, Ste. 455, Baltimore, MD 21230-1708, Attn: Michael Richardson, Industrial and General Permit Division. Email comments to Michael.Richardson@Maryland.gov. Fax comments to (410) 537-3163, attention Michael Richardson.

Any questions regarding the proposed permit should be directed to Robert Pudmericky at Rob.Pudmericky@Maryland.gov or by telephone at 410-537-3323, between the hours of 8 am and 5 pm, Monday through Friday.